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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,630	09/20/2000	Kaushal Kurapati	US000240	5682

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EXAMINER

SLOAN, NATHAN A

ART UNIT PAPER NUMBER

2614

DATE MAILED: 07/14/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,630

Applicant(s)

KURAPATI, KAUSHAL

Examiner

Nathan A Sloan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response to Arguments

1. Applicant's arguments, see the declarations, filed 6/16/04, with respect to the Labeeb reference have been fully considered and are persuasive. The rejection of claims 1-33 with Labeeb as the primary reference has been withdrawn.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 9-12, 14-20, 24-27, and 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Bedard (5,801,747), supplied by applicant.

Bedard teaches a system and method for monitoring viewing history to determine programs to recommend to viewers.

With respect to claims 1, 3, 16, 18, and 31, the claimed apparatus, method, and article of manufacture "for identifying changes in television viewing preferences of an individual" are met Bedard with reference to Figures 2 and 3 and corresponding methods described in detail below (see also col. 3:32-55). Bedard teaches computer executable instructions configured in memory to be executed by a processor for "obtaining a viewer history indicating a set of programs that have been watched by a user" as seen by the flowchart of Fig. 3 and taught in col. 5:16+ by

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tracking which programs are watched. A plurality of user choices (Figs. 1, 2) with respective records combine to form a user selection history. The overall selection history is established into "at least two portions," by comparing recent selections to old selections to determine if the profile should be updated using weighted techniques (col. 6:33-63). These two selection histories are "profiles" in that they contain viewer record selections for the corresponding history period. The "profiles" are then updated by comparing the viewing units in order to "identify a change in viewer preferences.

With respect to claims 11, 26, and 32, similar limitations are recited as in claims 1, 16, and 31 with the additional limitation of deleting "a portion of said viewing history if said sets of program recommendation scores ... are substantially similar." This limitation is met by comparing current and past selection histories and updating the records by maintaining a list of the most relevant past selections. Specifically, old entries may be replaced as taught in col. 5:59-60 or updated if they are similar but have different viewing units as taught in col. 5:44-48.

With respect to claims 2, 12, 17, and 27, the claimed comparing "the top-N (where N is a positive integer) recommended television programs in each set" is met by comparing the entries as taught in col. 6:35-39.

With respect to claims 4 and 19, the claimed "presenting a user with a set of recommended programs based on one or both of said sets of programs" is met using the methods above and displaying a list of recommended programs as seen in Fig. 4 and taught in col. 7:14-28.

With respect to claims 5 and 20, the claimed "presenting a user with a union set of recommended programs based said sets of programs" is taught by Bedard through building an

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initial profile. While a profile is being built all entries, old and new will be saved while there is space as taught in col. 5:49-58. By keeping both old and new data, a union is formed.

With respect to claims 9-10, 14-15, 24-25, and 29-30, the claimed selection of the two histories from "a time span that is less than the entire time period covered by the viewing history" is met by selecting from a user selection history over a period of recent viewing as taught in col. 5:34-41. These entries are compared to older entries to determine which should be removed in the case a profile is full (col. 5:19-27). The selected time span is a "similar" time period to a given time period in that they are both time periods with a duration.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8, 13, 21-23, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bedard (5,801,747).

With respect to claims 6 and 21, the claimed "presenting a user with an intersection set of recommended programs based said sets of programs" is not taught by Bedard. Examiner takes Official Notice that the creation of an intersection of sets of data is notoriously well known in the art. It would have been obvious for one skilled in the art at the time of the invention to modify

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the system and methods of Bedard by presenting users with a union of the two history sets in order to provide users with a list of elements that are in both the first and second sets.

With respect to claims 7 and 22, Bedard teaches giving weight to recently viewed programs (col. 6:44-46) and presenting users with a subset of recommendations (col. 8:24-30), but not explicitly “displaying recommended programs based on a more recent sub-set of said viewing history.” Nevertheless, it would have been obvious for one skilled in the art to display the recent sub-set created by Bedard in order to provide a user with most recent records which have high relevance.

With respect to claims 8, 13, 23, and 28, Bedard does not teach “uniformly randomly sampling sub-sets of television programs from said viewing history” to form the viewing history. Examiner takes Official Notice that uniform random sampling is notoriously well known in the art. It would have been obvious for one skilled in the art at the time of the invention to modify the system of Bedard by using uniform random sampling in order to ensure that all elements of the television program set have an equal probability of being selected.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan A Sloan whose telephone number is (703) 305-8143. The examiner can normally be reached on Mon-Fri 7:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703)305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NAS



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